

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
BSI-430US10

In re Application of: Leonard Pinchuk et al.

Application No.: 10/788,966

Filed: February 25, 2004

For: EXPANDABLE SUPPORTIVE BRANCHED ENDOLUMINAL GRAFTS

The owner, Boston Scientific Corporation of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term prior patent No. 6,554,858 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims cancelled by a re-examination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by an terminal disclaimer.

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2. ☒ The undersigned is an attorney or agent of record. Registration No.: 41,964

Signature

Date

Joseph E. Maenner

Typed or printed name

610-407-0700

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included. \$130.00

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- * Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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